



RCE #1600

#21

PTO/SB/30 (01/03)

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# Request For Continued Examination (RCE) Transmittal

Address to:  
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Application Number	09/518,501
Filing Date	March 3, 2000
First Named Inventor	Erion, et al.
Art Unit	1624
Examiner Name	McKensie, T.
Attorney Docket Number	45198.00013.RCE

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TECH CENTER 1600/2900

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. ☒ Deposit Account No. 50-2613
- i. ☒ RCE fee required under 37 CFR 1.17(e) 04/17/2003 SFELEKE1 00000126 502613 09518501
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 750.00 CH
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Diapa L. Bush, Ph.D.	Registration No. (Attorney/Agent)	51,109
Signature	<i>Diapa L. Bush</i>	Date	4/10/2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Jill C. Youkel	Date	4/10/2003
Signature	<i>Jill C. Youkel</i>		

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Patent  
45198.00013.RCE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicants: Erion *et al.*

Serial No.: 09/518,501

Filed: March 3, 2000

Title: NOVEL PHOSPHORUS-CONTAINING  
PRODRUGS

Group Art Unit: 1624

Examiner: McKenzie, T.

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Sir:

Enclosed are the following documents

1. Request for Continued Examination (RCE) Transmittal;
2. Petition for Extension of Time & Amendment and Remarks;
3. Marked Up Copy of the Amended Specification
4. Marked Up Copy of Amended Claims
5. Pending Claims
6. Interview Summary
7. Declaration of Mark D. Erion, Ph.D. re Prodrugs Pursuant to 37 C.F.R. § 1.132
  - a. Exhibit 1: "*Transport, Uptake & Metabolism of the Bis(pivaloyloxymethyl) Ester Prodrug of 9-(2-Phophonyllmehtoxyethyl) Adenine in an In Vitro Cell Culture System of the Intestinal Mucosa (Caco 2)*" Pharmaceutical Research, Vol. 14, N. 4, 492-495, 1997.

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

April 10, 2003  
Date of Deposit  
SAN/63807.1

Jill C. Youkel  
Name of Person Mailing Paper

Signature of Person Mailing Paper

8. References:

- a. Related to "*Biologically Active*"
- b. Cited Cases

Respectfully submitted,

Dated: 4/10/03

By: Diana L. Bush  
Diana L. Bush, Ph.D.  
Reg. No. 51,109

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